UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,772	09/27/2001	Tomio Amano	JP9-2000-0267US1 (590.083	3441

35195   7590   09/25/2008
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EXAMINER
DESAI, RACHNA SINGH

ART UNIT	PAPER NUMBER
2176	

MAIL DATE	DELIVERY MODE
09/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	09/965,772	AMANO, TOMIO
	Examiner	Art Unit	
	RACHNA S. DESAI	2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>17 September 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

  a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

  b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

  (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

  (b)☐ They raise the issue of new matter (see NOTE below);

  (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

  (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

  The status of the claim(s) is (or will be) as follows:

  Claim(s) allowed: _____.

  Claim(s) objected to: _____.

  Claim(s) rejected: _____.

  Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Rachna S Desai/
Primary Examiner, Art Unit 2176

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues on pages 10-11 of the response, the prior art fails to teach data written in a markup description language that is to be exchanged between computing devices
.
Examiner disagrees.

Examiner relies on DeMont to teach this portion of the limitation. Specifically, DeMont discloses creating an electronic document using a markup language which meets the limitation, application data written in a markup description. See column 2, lines 58-67.

Applicant argues on page 11 of the response that Examiner is incorrect in combining an error correction support taught by Kantrowitz with any error correcting code taught by DeMont.

Examiner disagrees. As stated in previous office actions, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kantrowitz's correction of characters with DeMont's defining of a tag set to prevent errors because replacing the written information with an error correction coded tag helps reduce the amount of errors resulting from missing spaces, shifted spaces, confusable words, etc. and also allows a document to be recovered should it be edited by someone else. See column 2, lines 34-45 of Kantrowitz and column 4, lines 19-26 of DeMont.

Applicant's arguments are generally drawn to the "piecemeal citations" against the claims and how the references are not combinable. Examiner disagrees that the combination of references do not teach the limitations.

Kantrowitz teaches a method for correcting errors that occur in a word processing program, OCR program, or automatic handwriting recognition program which meets the preamble, an error correction support method for application data. See columns 1-2.

Kantrowitz teaches a method for correcting errors that occur in a word processing program, OCR program, or automatic handwriting recognition program which meets the limitation, providing error correction support for application data. . .that is to be exchanged between computing devices. See columns 1-2. Examiner note: word processing documents and OCR documents can be exchanged between computing devices.

Kantrowitz teaches preventing errors and incorrect character conversions that occur while inputting text in a word processing program used to write words and sentences by replacing the words using correction code which meets the portion of the limitation, prevent errors or incorrect character conversions that occur frequently during the re-input of text . . . used to write data or sentences. See columns 1, lines 40-67, column 2, lines 34-45, and columns 9-10.

Kantrowitz teaches rewriting information in the word processing application such that the errors and incorrect conversions are corrected using certain rules which meets the portion of the limitation, add rewritten information to a predetermined portion of said application data. . .in order that the number of said errors and incorrect character conversions occurring during re-input of text is reduced.. See columns 1, lines 40-67, column 2, lines 34-45, and columns 9-10.

Kantrowitz does not explicitly teach defining a tag set to prevent errors or that the application data is written in a markup description language. DeMont discloses creating an electronic document using a markup language which meets the limitation, application data written in a markup description. See column 2, lines 58-67. DeMont teaches the characters in the document are converted to an ASCII string which are concatenated to form an 80-bit binary string then augmented with a error correcting code such as a Hamming code in order to increase the likelihood that the message can be recovered should it be edited by an infringer which meets the portion of the limitation, defining a tag set to prevent errors; using the tag set to add rewritten information. See column 3, lines 55-67 and column 4, lines 19-26.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Kantrowitz's correction of characters with DeMont's defining of a tag set to prevent errors because replacing the written information with an error correction coded tag helps reduce the amount of errors resulting from missing spaces, shifted spaces, confusable words, etc. and also allows a document to be recovered should it be edited by someone else. See column 2, lines 34-45 of Kantrowitz and column 4, lines 19-26 of DeMont.

In view of the comments above, the rejections are maintained.